

INDIANA DEPARTMENT OF TRANSPORTATION CONSULTING SERVICES PROCEDURES

Figure 6-1A

A. GENERAL

1. Applicability

- a. These procedures apply to all divisions and districts of the Indiana Department of Transportation.
- b. These procedures do not apply to:
 - i. the acquisition of land, except to the extent right-of-way engineering services are utilized.
 - ii. Local Public Agency (LPA) contracts; however, LPA consultants shall be evaluated as provided in Section N of these procedures.

2. Definitions

- a. “Actual Costs” - means verifiable direct expenses that are directly attributable to a specific project and are the type of costs consistently charged to a particular project as an expense.
- b. “Consulting Services” - means the furnishing of services by:
 - i. a person licensed, certified, or registered under I.C. 25-2.1 or by any board listed in I.C. 25-1-5-3;
 - ii. an attorney;
 - iii. an expert witness, court reporter, or investigator retained by the department in connection with judicial or administrative proceedings;
 - iv. a minister, priest, rabbi, or other person empowered by the person’s religious faith to conduct religious services or to provide spiritual counseling or guidance; or
 - v. a person who performs services, the satisfactory rendition of which depends upon the person’s unique training or skills.
- c. “Consulting Services Unit” - means the unit of the Legal Division responsible for consultant contracting.
- d. “Cost Plus Fixed Fee” - means a payment method whereby the consultant is reimbursed actual costs on a project, plus paid a specific dollar amount for performing the work.
- e. “Cost Plus % of Profit” - means a payment method whereby the consultant is reimbursed actual costs on a project, plus paid a profit margin on salaries and overhead only, exclusive of overtime premiums for completing the work. Profit is not to exceed 15% and should be based on the degree of risk involved in the scope of work.

- f. “Department” - means the Indiana Department of Transportation.
- g. “Executive Document Summary (EDS)” - means State Form 41221 issued by the Indiana Department of Administration to accompany **all contract documents** for tracking purposes.
- h. “Lump Sum” - means a payment method whereby a consultant is paid a specified sum of money for a specific pay item of the contract.
- i. “Negotiated Labor Rates” - means a payment method whereby the consultant and INDOT have agreed upon a specified hourly rate per classification for personnel working on an INDOT project. The negotiated (or agreed upon) rate takes into account the consultant’s overhead rate and profit (which is not to exceed 15%), and must be approved by INDOT’s contract audit supervisor.
- j. “Open End Contract” - means a contract with a consultant that does not specifically identify the projects to be included under the contract scope of work. Usually, projects will be assigned under the contract on an “as needed” basis through the duration of the contract term.
- k. “Person” - means an individual, partnership, corporation, or other business organization.
- l. “Requesting Division” - means the division or district requesting the consulting service.

B. APPROVAL OF PROJECTS FOR CONSULTANT UTILIZATION

1. Necessity for Use of Consultant

The services of a consultant may be requested if funding is available and:

- a. the in-house capabilities of the department are insufficient to accomplish the work within the desired time frame;
- b. the complexity or nature of the project requires specialized expertise;
- d. it is more economical to engage such services; or
- e. it is otherwise in the public interest.

2. Authorization to Employ a Consultant

A Division Chief makes recommendations that consulting services be used for individual projects. The requesting division shall prepare a memorandum which contains the following:

- a. verification that adequate funding is available;
- b. a description of the project and the services request; and
- c. the type and percentage of funding to be used (ex. 80% federal, 20% state)

- d. for “open-end” contracts, the request shall also identify the approximate number of projects to be assigned, the approximate duration, and the proposed maximum fee.

3. Routing Consultant Utilization Request

The request shall be sent via memorandum to the division's Deputy Commissioner for approval. If the request is approved, the original of the Deputy Commissioner's approval shall be sent to the Consulting Services Unit, and then the project will be included in a Professional Services Bulletin (PSB). If denied, the request shall be returned to the originating division. The Consulting Services Unit is responsible for retaining original approval memoranda.

If the consultant's fee for federally funded work will be less than \$100,000, the department may select a consultant in accordance with the Small Purchase Procedures without issuing a Professional Services Bulletin. The department may negotiate the scope of work and fee.

4. Sole Source Selections

A consultant may be selected by the department without advertising the work in a PSB, and only that consultant requested to submit a proposal, if the project will be funded with 100% state funds and one of the following conditions exists:

- a. the project involves an emergency which will not permit the time necessary to issue a professional services bulletin, select a consultant, and negotiate a fee; or
- b. the service is available only from a single source; or
- c. after solicitation of a number of sources, competition is determined inadequate; or
- d. it is considered to be in the public interest.

Any sole-source selection requires the approval of the Commissioner. The requesting division will be responsible for documenting the reason(s) for using sole-source selection. A copy of the documentation and the Commissioner's approval shall be sent to the Consulting Services Unit.

The department will develop an adequate scope of work and cost estimate before negotiating the fee. Negotiations will be conducted in accordance with Section G of these procedures.

C. PROFESSIONAL SERVICES BULLETINS

1. Preparation of a Professional Services Bulletin

Once approved requests for use of consultants are received, the Consulting Services Unit shall prepare a Professional Services Bulletin (PSB). Requests from various divisions should be combined whenever possible and will be coordinated with the participating divisions.

The requesting division is responsible for providing the Consulting Services Unit with the information regarding the project(s) to be included in the bulletin, including:

- a. information the division would like submitted by consultants for evaluation

- b. detailed description of the technical requirements for the services to be rendered
- c. anticipated method of payment
- d. list of evaluation factors and the order of relative importance
- e. whether the budgeted amount for the work is to be included in the PSB
- f. any data and forms necessary for consultants to prepare statements of interest and proposals

The PSB will specify the closing date for accepting statements of interest and proposals. Design PSBs will be advertised for a period of fourteen (14) days, unless the Design Division requests otherwise. PSBs for all other requesting divisions will be advertised for a period of thirty (30) days, unless FHWA has approved a different time period for PSBs containing projects with federal participation. The Commissioner may determine the closing date on PSBs containing 100% state-funded projects. The Commissioner and the requesting division(s) shall review and approve draft copies of the PSB.

2. Information to be Placed on Display

Each requesting division shall assemble copies of all relevant information on the projects before the PSB is mailed. The information shall be available for review from 7:45 a.m. to 4:15 p.m. until the PSB closing date. Each requesting division shall be responsible for displaying the information and answering questions about their projects.

3. Display of Professional Services Bulletin

A copy of the PSB is to be displayed in the Consulting Services Unit of the central office and the Toll Road Division office. The PSB is to remain on display until the closing date for the PSB has passed.

4. Consultants to Receive Professional Services Bulletins

The Consulting Services Unit shall send a PSB to all firms that are currently on the consultant mailing list that have expressed an interest in one or more types of work contained in the PSB. Copies of the PSB will also be made available to the public in the Consulting Services Unit. Before the PSB is mailed, Division Chiefs may inform the Consulting Services Unit of additional firms to receive the PSB.

The department will not be liable for any errors in the PSB or for failure to mail a PSB to any consultant.

5. Distribution of Professional Services Bulletin

In addition to the consultants, copies of the PSB are to be distributed as follows:

- a. Commissioner;
- b. Deputy Commissioners of Division(s) with item(s) on the PSB;
- c. Chief Counsel;

- d. Deputy Chief Engineer;
- e. Division Chief(s) of Division(s) with item(s) on the PSB;
- f. Division Chief of Civil Rights;
- g. FHWA; and
- h. Governor's Office

6. Public Notice of Professional Services Bulletin

The Consulting Services Unit shall arrange to have a notice of the PSB published in an Indianapolis newspaper of general circulation. The notice should state that a Professional Services Bulletin has been issued, a general description of the types of work available, where a copy of the PSB may be obtained, and the closing date for submitting statements of interest.

7. Statements of Interest and Proposals

Statements of interest and proposals shall be submitted to the Consulting Services Unit. If a consultant properly identifies submittals as statements of interest and/or proposals, as instructed on the PSB, the submittals will not be opened until the closing date for that PSB.

The Consulting Services Unit will prepare a list of the consultants responding to the PSB and distribute the statements of interest and proposals to the appropriate division(s). The requesting division shall be responsible for custody and control of the Statements of Interest and Proposals after receiving them from the Consulting Services Unit. The division shall retain and dispose of the Statements of Interest and Proposals in accordance with the most current Approved Record Retention and Disposition Schedule of the Commission on Public Records.

D. CONSULTANT SELECTION

1. Selection Process

a. Statements of Interest/Proposals Selection

- i. The Chief of the requesting division or the Chief's designee shall review the statements of interest and proposals and compile a candidate list containing the following:
 - aa. list of consultants responding with item numbers shown, and whether the consultant is a DBE firm;
 - bb. list of existing projects by consultant;
 - cc. list of pending projects by consultant;
 - dd. list of the consultant's existing, pending, and total fees by category of work and/or division;
 - ee. a minimum of three potential consultants for each item on the PSB; and

- ff. the reasons for each recommendation.
- ii. The above information shall be submitted to the appropriate Deputy Commissioner for review and approval.
- iii. Once selected by the Deputy Commissioner, the name of the selected consultant shall be reviewed with the Commissioner and then submitted to the Consulting Services Unit.
- iv. Upon receiving the name of the selected consultant, the Consulting Services Unit shall prepare a selection notification letter for the Commissioner's review and signature.

2. Notification of Selections

The Consulting Services Unit shall prepare a selection notification letter for the Commissioner's approval and send a copy of the selection notice to all consultants that responded to the PSB, all divisions with items on the PSB, the appropriate Deputy Commissioners, and the Governor's Office.

The official notification of selection shall be the Notification of Selection letter prepared by the Consulting Services Unit. No consultant shall be notified of its status in the selection process until the Commissioner approves the official Notification of Selection letter prepared by the Consulting Services Unit.

The Consulting Services Unit will retain a copy of the selected notice for all PSBs. The division shall retain and dispose of the selection notices in accordance with the most current Approved Record Retention and Disposition Schedule of the Commission on Public Records.

3. Federal Transit Funds

Request for noncompetitive negotiation must receive prior Federal Transit Administration approval.

A consultant may be selected by the department through noncompetitive negotiation only when the award of a contract is not feasible under competitive proposal procedures and at least one of the following circumstances applies:

- a. the service is available only from a single source;
- b. the project involves public exigency or emergency and does not permit a delay resulting from competitive solicitation; or
- c. the results of a competitive solicitation has determined competition to be inadequate.

All noncompetitive negotiated contracts must be submitted to the Federal Transit Administration for pre-award review in accordance with Federal Transit Fund Circular 9040. A cost analysis (in accordance with Section E of these procedures, Audit Evaluations) verifying the proposed cost data, the projections of the data, and the evaluation of the specific elements of costs and profit, is required.

If the consultant's fee for federally funded work will be less than \$100,000, the department may select a consultant in accordance with the Small Purchase Procedures without issuing a Professional Services Bulletin.

E. AUDIT EVALUATIONS

1. Pre-negotiation Audit

When consulting projects are awarded which are expected to exceed \$250,000, the requesting division shall request the Contract Audit Unit of the Division of Accounting and Control to perform a pre-negotiation audit of the consultant's proposal; an overhead audit shall also be performed, if necessary. A pre-negotiation audit is required for contracts less than \$250,000 if any of the following conditions exist:

- a. There is insufficient knowledge of the consultant's accounting system;
- b. There is previous unfavorable experience regarding the reliability of the consultant's accounting system; or
- c. The contract involves procurement of incidental equipment or supplies for which cost experience is lacking.

2. Overhead Rate Audit

The Contract Audit Unit will determine if an overhead audit is necessary. An overhead audit should be performed, if practical when:

- a. the consultant's latest audited overhead rate is more than two (2) years old;
- b. the department has never performed an overhead audit of the consultant; or
- c. the circumstances warrant an overhead audit

The department may use an audit performed by an independent certified public accountant, another state, a federal agency, or a local governmental agency if the audit is current and of sufficient detail. The overhead audits are to be treated as confidential information.

The Contract Audit Unit shall notify the Division of Design when a consultant overhead audit is scheduled. The Division of Design may request the Contract Audit Unit to perform an audit of one or more of the consultant's completed lump-sum projects while performing the overhead audit. The audit(s) shall indicate, as a minimum, the number of man-hours charged per classification and the consultant's total cost to complete the project.

F. SCOPE OF WORK

1. The requesting division shall provide the consultant with existing reports regarding the project, the anticipated schedule for the project, and shall indicate the method of payment (i.e. lump-sum, cost-plus-fixed-fee, unit prices and/or negotiated hourly rate) to be used for each pay item on the project.
2. The requesting division shall arrange a scope of work meeting with the consultant, if necessary. Once the scope of work for the project has been agreed upon, the consultant shall be instructed to submit a proposal to the requesting division. The submittal shall include:

- a. the requested number of copies of the proposal;
 - b. a brief description of the project and services;
 - c. a man-hour justification for each lump-sum pay item or cost-plus-fixed-fee contract (except open-end contracts);
 - d. other information requested by the division;
 - e. request to subcontract any portion of the work.
3. The consultant shall be given a deadline for its submittal. If the consultant's submittal is not received by the deadline, the consultant's selection may be rescinded and the project may be awarded to another consultant responding to the PSB.
 4. Subcontracts

All proposed subcontracts must be approved in advance by the requesting division. The subcontract request shall be submitted with the consultant's proposal and include the following information:

- a. name of proposed subcontractor;
- b. type of work to be subcontracted;
- c. proposed subcontractor fee; and
- d. MBE-2 Forms, if a non-DBE firm is utilized.

The requesting division shall review the subcontract request and notify the prime consultant if the request is approved or denied.

G. NEGOTIATIONS

1. The requesting division shall send copies of the proposal to other divisions for review, as needed. The divisions performing reviews shall send the results to the requesting division for use in the negotiations.
2. The requesting division shall be responsible for keeping schedules for consultant projects current so that the Division of Policy and Budget can program each project for the appropriate fiscal year.
3. The requesting division shall prepare a detailed cost estimate with an appropriate breakdown of specific types of labor required, estimated hours by classification, and an estimated fixed fee (if applicable) based upon the size, duration, risk, and complexity of the project, for use during negotiations.
4. The requesting division shall perform a technical evaluation of the consultant's proposal. Prior to negotiating, the requesting division shall review the consultant's overhead audit, the technical evaluation, and the reviews by other involved divisions. The requesting division shall document how the above information was used in the negotiations.

5. If negotiations are not successful, the consultant shall be notified in writing that the department is rescinding its selection. The requesting division shall prepare the letter for the Commissioner's signature. A copy of the letter shall be sent to the Consulting Services Unit. The requesting division shall indicate the reason(s) for rescinding the selection. The requesting division shall decide whether to recommend an alternate consultant from those responding to the PSB or to re-advertise the item in a future PSB.
6. The consultant may withdraw from negotiations at any time by giving the requesting division written notice. The requesting division shall decide whether to recommend an alternate consultant from those responding to the PSB or to re-advertise the item in a future PSB.
7. The Chief of the requesting division or his/her designee shall be responsible for the negotiation of consultant fees. The negotiations may be handled by telephone.
8. Cost-Reimbursable Contracts:
 - a. The Chief of the requesting division or his/her designee shall be responsible for negotiating the fixed-fee and the maximum amount payable. On federal-aid projects, a fixed-fee greater than 15% of direct salary and overhead costs must be submitted to and approved by FHWA. Cost-reimbursable contracts utilizing federal-aid funds must be cost-plus-fixed-fee or negotiated labor rate agreements.
 - b. Federal Highway Administration Authorization:

For each project that is to utilize Federal Highway Administration funds, the requesting division shall prepare a FMIS form to request the obligation of funds and authorization from FHWA for the consultant to proceed with preliminary engineering, right-of-way, construction engineering, or project management on the project. The FMIS form request may be prepared once the contract has been negotiated. The total amount to be obligated shall be noted by the requesting division. The FMIS form shall be sent to the Division of Policy and Budget for approval. The Division of Policy and Budget shall then identify the class of funds and the federal aid requested in the form of an electronic agreement that is sent to the Federal Highway Administration.

A division representative for the Commissioner shall sign the electronic agreement with the Federal Highway Administration. Once the Federal Highway Administration has signed the agreement, a copy of that agreement is then sent to the project manager who may then issue a notice to proceed.
 - c. Other Federal-aid Authorization:

For projects utilizing federal-aid other than Federal Highway Administration funding, the requesting division shall follow the appropriate federal guidelines.

H. PROCESSING OF CONTRACT

1. Contract Request

After negotiations for a project are complete, the request for a contract shall be made with a memorandum from the requesting chief (or the chief's designee) to the Chief Counsel, attention: Consulting Services Unit. The request shall include the following:

- a. Name and address of selected consultant
- b. Project description, including Des. No., if any
- c. Maximum amount to be paid under the contract
- d. Whether funds are federal or state, and the percentage of each type
- e. Duration for the contract expressed either as an expiration date or term for a period of months or years.
- f. The year, bulletin, and item number of the PSB for the work
- g. The method of payment for the contract: lump-sum, cost-plus-fixed fee, cost-plus % of profit or negotiated labor rates
- h. Approval from contract audit of the overhead rates, negotiated rates, or facilities capital cost of money rates, if any requested
- i. A completed Executive Document Summary (EDS); however, the Consulting Services Unit will complete the agency's EDS number on the form.

2. Contract Preparation

The Consulting Services Unit shall prepare a contract, incorporating the terms from the scope of work and the fees arrived at during the negotiation phase. The contract shall specify the method of payment for each element of the work. The contract shall be sent to the requesting division for review and comment. The division's written approval or written request for changes shall be sent back to the Consulting Services Unit.

3. Consultant Signature

The Consulting Services Unit shall resolve the division's comments and send two copies of the contract to the consultant for review and signature. The letter shall be signed by the Program Coordinator, Consulting Services Unit.

4. Department Signature

Once returned by the consultant, the Consulting Services Unit shall send the documents for signature to the Commissioner through the appropriate Deputy Commissioner.

5. Attorney General's Approval

After the department signatures are obtained, the Consulting Services Unit shall send the documents to the Office of the Attorney General for approval as to form and legality.

6. Other Required Signatures

On occasion, the State Budget Agency or the Department of Administration may be required to approve professional services contracts. If this is necessary, the Consulting Services Unit shall obtain the required signatures.

7. Workers' Compensation Certificates

The Consulting Services Unit shall maintain a file of current workers' compensation certificates for all consultants providing services to the department. Prior to distributing the executed contract, the Consulting Services Unit shall verify that the consultant has a current workers' compensation certificate on file. If the consultant does not have a current certificate on file, the Consulting Services Unit shall contact the consultant to obtain one.

8. Distribution of Contracts

When the Consulting Services Unit has obtained all required signatures and verified that the consultant has a current workers' compensation certificate on file, the Consulting Services Unit shall transmit one original contract to the requesting division. The requesting division shall retain a copy of the contract, then forward the original to the consultant. The Consulting Services Unit shall retain the other original contract in the project file.

The contract may be distributed once the funds have been encumbered and all of the required signatures have been obtained.

I. SUPPLEMENTING OR MODIFYING CONTRACTS

1. Circumstances requiring Contract Modification

Circumstances may exist that require a consultant contract to be modified, amended, or supplemented. Situations requiring a formal change to the contract include, but are not limited to:

- a. a change in the maximum amount payable
- b. a change to a specific pay item
- c. any additions or deletions of pay items
- d. revisions to the scope of work
- e. a change in the term of the contract or completion date for the work

2. Requesting Changes to Existing Contracts

- a. A request to change an existing contract may be made with a memorandum from the requesting division chief (or the chief's designee) to the Chief Counsel, attention: Consulting Services Unit. The request shall contain the following information:
 - i. identify the consultant agreement to be modified
 - ii. state the specific nature of the changes, including any revision to the amount of payment

- iii. an Executive Document Summary (EDS) for the supplemented or modified contract time, after the contract term has expired.
- b. Requesting divisions should make requests for changes in a timely manner to allow changes to be made and all required signatures obtained within the existing term of the contract. Requests for extensions of time should be made as soon as it becomes apparent that additional time will be required.
- c. Open-end contracts will not be supplemented, except for a change in the scope of work, to extend the duration of the contract for work already assigned, or to increase the maximum amount payable to complete work already in progress. If a division desires to increase the maximum amount payable of an open-end contract for work not in progress, the division must request a new contract, instead of supplementing the existing contract.

J. NOTICE TO PROCEED

The requesting division is responsible for ascertaining the availability of funding and issuing a written notice to proceed to the consultant. No notice to proceed shall be given until the contract is fully-executed, the funds have been encumbered, and any necessary federal approvals have been received. No payment will be made for work undertaken prior to the notice to proceed. A copy of the notice to proceed shall be sent to the Consulting Services Unit.

In the event there is a change in scope of work after the issuance of the written notice to proceed, adjustments in compensation to the consultant shall be determined by INDOT, subject to the consultant's approval. The consultant shall not commence the additional work until a supplemental contract is agreed to in writing, executed by all parties and approved by the Attorney General.

However, upon approval by the Design Division, INDOT may authorize supplemental work up to \$30,000.00 prior to the execution of a supplemental agreement for work. Any authorization for additional work shall not be binding on the parties, unless and until the supplemental agreement is approved by the Attorney General as to form and legality.

K. PROGRESS REVIEW

1. The Chief of the requesting division shall provide final review and supervision of the consultant's work. The Chief of the requesting division will assign member(s) of the staff to directly monitor progress of the work, compliance with the contract, and any applicable state and/or federal standards and regulations.
2. Each division that revises a department manual, road or bridge memorandum, etc. affecting consulting work shall be responsible for ensuring that all consultants currently doing work for the department are made aware of the change(s).
3. The consultant shall make submittals and progress reports in accordance with the provisions of the contract. The plans and/or reports shall be sent to the division responsible for monitoring the work.

Each division shall have a process in place to deal with untimely submittals.

After reviewing the submittal, the division shall send directions, comments, and/or marked-up plans or reports to the consultant.

The consultant shall be requested to attend a conference if its submittals are wholly inadequate or substantially unsatisfactory.

4. Each division monitoring any portion of the consultant's work will watch for unauthorized subcontract work. If unauthorized subcontract work is discovered, the requesting division shall request an explanation from the consultant.

The consultant's response shall be sent to the personnel responsible for the selection of the consultant. Penalties against the consultant for use of unauthorized subcontractors may range from a written warning against future violations to affecting future selection for consultant projects. The department may also elect to terminate the contract.

L. INVOICE VOUCHERS

1. Consultants shall send invoice vouchers to the requesting division. The requesting division shall log in each invoice voucher received and write the date received on the voucher. The voucher must be reviewed, signed, and sent to the Division of Accounting and Control within 21 calendar days of the date received in order to avoid paying interest on the payment. If the invoice voucher is unacceptable, the requesting division will reject the invoice voucher and return it to the consultant with a Notice of Good Faith Dispute.
2. The invoice voucher shall be checked by the requesting division for the following:
 - a. purchase order number;
 - b. location, function and object codes;
 - c. state share, federal share and total disbursement;
 - d. cost account number;
 - e. project number;
 - f. consultant signature; and
 - g. fund and participation codes.
3. The requesting division will verify that:
 - a. money is available in the subject purchase order to pay the invoice;
 - b. the correct fee for the work has been used;
 - c. the consultant's claimed progress agrees with division records and the information received from other divisions;
 - d. the hourly rates and provisional overhead rates on cost reimbursable contracts are valid; and

- e. the mathematical computations are correct.

If the voucher information is correct, the requesting division will sign and forward the invoice voucher to the Division of Accounting and Control.

If the voucher information is incorrect, the requesting division of primary concern shall reject the invoice and mail the consultant a "Notice of Good Faith Dispute" letter detailing the reason(s) for the rejection.

M. PROJECT COMPLETION

1. Lump-sum Contracts

The requesting division shall detail the fee earned and mark "lump-sum" on the face of the final invoice voucher to notify the Division of Accounting and Control that no audit is needed for final payment. The invoice voucher will then be forwarded to the Division of Accounting and Control.

If the contract contains a cost-plus provision for changes during construction, and work has been performed thereunder, the requesting division may request the Division of Accounting and Control to perform a final audit for the cost-plus portion of the contract when that portion is less than \$25,000. The requesting division shall request the Division of Accounting and Control to perform a final audit when the "cost-plus" portion of the contract is \$25,000 or more.

2. Cost Reimbursable Contracts

The requesting division shall request the Division of Accounting and Control to perform a final audit for "cost-plus" contracts in excess of \$25,000.00.

Upon receipt of the audit report, the requesting division shall follow the procedures established by the Division of Accounting and Control for audit resolutions and the finaling out of cost reimbursable contracts.

3. Closed Projects/Contracts

When a project has been completed and the contract has been closed, the requesting division shall promptly notify the Consulting Services Unit that the contract is closed. Upon such notification, the Consulting Services Unit will remove the contract file from active status and will be responsible for the storage and retention of the contract in accordance with the most current Approved Record Retention and Disposition Schedule of the Commission on Public Records.

N. CONSULTANT EVALUATIONS

1. The department will evaluate each consultant's performance on:
 - a. each department project; and
 - b. each Local Public Agency project utilizing federal-aid funds.

2. The evaluation must include the following factors:
 - a. Timely completion of work.
 - b. Quality of work.
 - c. Administrative effectiveness.
3. Each division responsible for monitoring a portion of a project shall prepare an evaluation for each submittal or at regular intervals during the progress of the work and send a copy to the consultant.

The original shall be retained by the division performing the evaluation. The consultant shall be given the opportunity to discuss its evaluations. If the consultant submits written comments, they shall be attached to the evaluation.

O. CONSULTANT PREQUALIFICATION

1. Division Criteria

Each division that establishes prequalification is responsible for the prequalification process to be used by that division, if any. Consultants desiring to become prequalified should contact the division directly. Consultants desiring to provide services for divisions that utilize prequalification must be prequalified in order to be considered eligible for placement on the department mailing list for such services.

If Federal Highway Administration (FHWA) funds are to be used, the requesting division's prequalification process must receive prior FHWA approval.

2. Prequalification Appeals Requirements

In accordance with I.C. 4-21.5, divisions that establish prequalification criteria must have an appeals process in place and notify consultants of their appeal rights. Appeals must be conducted in accordance with I.C. 4-21.5.

3. Geotechnical Services Prequalification

Consultants desiring to provide geotechnical services, as either contractors or subcontractors, must be prequalified by the Division of Materials and Tests. The Division of Materials and Tests shall send a list of the prequalified firms and/or changes to the list to the Consulting Services Unit each time the list changes.

4. Hazardous Materials Services

The department may utilize the consultant lists of the Indiana Department of Environmental Management when the services of hazardous waste consultants are required.

5. Consultant Mailing List

The Consulting Services Unit shall maintain a consultant mailing list. The purpose of the list is to facilitate the mailing of Professional Services Bulletins.

The Consulting Services Unit shall request all consultants to complete an “areas of interest” form regarding the types of work desired. Consultants will be placed on the mailing list to receive Professional Services Bulletins pertaining to the consultant’s areas of interest after submitting the “areas of interest” form. In addition to the “areas of interest” form, the Consulting Services Unit shall request all consultants to provide data qualifications materials, which must be on file before a consultant may be considered for selection in response to a PSB. It is the consultant’s responsibility to notify INDOT of changes to the areas of interest form and/or the data qualification materials, whenever the consultant information changes, or at least once every two (2) years. It is also the consultant’s obligation to keep INDOT advised of the consultant’s current mailing address. PSBs or other correspondence returned to INDOT undeliverable by the U.S. Postal Service at the address provided by the consultant shall result in the consultant being deleted from the mailing list.

6. Updating Prequalification Data

Prequalification data shall be updated in accordance with the requirements of each division utilizing prequalification criteria. Such divisions shall maintain their own prequalification data.

P. DISADVANTAGED BUSINESS ENTERPRISE REPORTS

1. Documentation of DBE Utilization

The Consulting Services Unit shall prepare a monthly report of all consulting services contracts. The report will be sent to the Civil Rights Division by the fifth of each month.

The report shall include the following information:

- a. date contract is distributed;
- b. consultant name;
- c. project description;
- d. project number;
- e. contract amount;
- f. federal participation;
- g. state participation;
- h. DBE contracts identified;
- i. monthly and fiscal year (state and federal) DBE total contract (primes and subcontractors) amount, federal participation, and state participation;
- j. monthly and fiscal year (state and federal) consultant total contract, federal participation, and state participation;
- k. monthly and fiscal year (state and federal) DBE percentages.

Q. EXCEPTIONS

Any exceptions to this procedure must be approved by the Commissioner, and FHWA must approve any exceptions to these procedure if any federal funding is to be utilized.

Approved by: _____
Commissioner

Date _____, 20__

Approved by: _____
FHWA

Date _____, 20__